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the Sports Shinko Companies

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAI'I

SPORTS SHINKO CO., LTD.,	)	CV 04-00124 BMK
	)	CV 04-00127 BMK
Plaintiff,	)	
	)	CONSOLIDATED CASES
vs.	)	
	)	<b>PLAINTIFF'S CONCISE</b>
QK HOTEL, LLC, et al.,	)	<b>STATEMENT OF FACTS IN</b>
	)	<b>SUPPORT OF MOTION FOR</b>
Defendants,	)	<b>PARTIAL SUMMARY</b>
	)	<b>JUDGMENT ON THE ISSUE</b>
	)	<b>OF THE KINOSHITA'S</b>



and	)	<b>INTENT TO HINDER,</b>
	)	<b>DELAY, OR DEFRAUD;</b>
FRANKLIN K. MUKAI, et al.,	)	<b>DECLARATION OF</b>
	)	<b>GLENN T. MELCHINGER;</b>
Third-Party Plaintiffs,	)	<b>EXHIBITS "1" - "15";</b>
	)	<b>DECLARATION OF KEIJIRO</b>
vs.	)	<b>KIMURA; EXHIBIT "K-1";</b>
	)	<b>DECLARATION OF STEVEN</b>
SPORTS SHINKO (USA) CO.,	)	<b>SILVER; LIST OF</b>
LTD., et al.,	)	<b>TRANSLATED DOCUMENTS;</b>
	)	<b>CERTIFICATE OF SERVICE</b>
	)	
Third-Party	)	
Defendants,	)	
	)	
and	)	
	)	
SPORTS SHINKO (HAWAII) CO.,	)	
LTD., et al.,	)	
	)	
Third-Party Defendants/	)	
Counterclaimants,	)	
	)	
vs.	)	
	)	
QK HOTEL, LLC, et al.,	)	
	)	
Third-Party Counterclaim	)	
Defendants.	)	
	)	
AND CONSOLIDATED CASES	)	
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**PLAINTIFF’S CONCISE STATEMENT OF FACTS IN SUPPORT OF  
MOTION FOR PARTIAL SUMMARY JUDGMENT**

Pursuant to Rule 56.1 of the Rules of the United States District Court for the District of Hawai i ("Local Rules"), Plaintiff Sports Shinko Co., Ltd., (**“SSJ”**) respectfully submits its Concise Statement of Facts in support of its Motion for Partial Summary Judgment Regarding the Issue of the Kinoshita’s Intent to Hinder, Delay, or Defraud, filed contemporaneously herewith.

<b>FACTS</b>	<b>EVIDENTIARY SUPPORT</b>
Toshio’s and Satoshi Kinoshita caused the transfer of the former Sports Shinko (“SS”) properties to prevent SS’s creditors, including SS’s Florida creditors, from attaching SS’s Hawaii assets.	Exs. “K-1” at 14; “2”, “12”
The Resolution and Collection Corporation (“RCC”) told Toshio of its intent to place SSJ into reorganization proceedings in January 2002; Toshio held a directors’ meeting regarding this prior to the RCC’s filing of reorganization proceedings on January 28, 2002.	Ex. “4” (Fukuda Decl.) at ¶ 23.



<b>FACTS</b>	<b>EVIDENTIARY SUPPORT</b>
Satoshi and Toshio accelerated the closing of the transfers of the SS Hawaii properties to the KG Defendants to one business day before the RCC bankruptcy filing.	Ex. "3"; "K-1" at 15.
Toshio and Satoshi created a scheme to hinder, delay, or defraud SS creditors that involved placing on the SS Hawaii subsidiaries' properties certain management agreements with Resort Management Services (Hawaii), Inc. ("RMS"), a company owned and controlled by a former Sports Shinko officer and Toshio's former personal secretary, Yasuo Nishida. Terminating these management agreements ostensibly obligated the SS Hawaii subsidiaries to make payments of "termination fees" to RMS totaling \$3.5 million.	Exs. "8", "9", "10", "14", "15", "K-1", Melchinger Decl. at ¶ 20
Satoshi actually transferred valuable assets to RMS in partial satisfaction of the "termination fees" allegedly due.	Ex. "11" & "13"
Satoshi and Toshio intended the RMS scheme to make it difficult for the RCC to lien SS's Hawaii properties.	Ex. "13" at 152.



DATED: Honolulu, Hawai`i December 19, 2007.

/s Glenn T. Melchinger  
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